

ORDINANCE NO. 2727 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 21 (LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS), RELATING TO PAWNSHOP OPERATORS AND SECONDHAND DEALERS; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 21, Article I, Division 1, Sec. 21-1 is hereby amended by adding the following definition to read as follows:

**Sec. 21-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Fair market value: The fair market value is determined by the amount the pawnshop or secondhand dealer plans to list the item for resale.

...

Pawnshop: Any establishment in which any business holding a pawn broker's license is conducted and pursuant to A.R.S. § 44-1627, as may be amended, in which is carried on the business of pawn brokerage, or the business of loaning money for himself or herself or for another person, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade, or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase, whether such business be the principal or sole business so carried on or be merely incidental to, in connection with, or a branch or a department of some other business.

...

Secondhand dealer: Any owner or operator of a business which buys, sells, trades, exchanges, takes consignments or otherwise deals in secondhand goods, wares or merchandise, whether such business be the principal or sole business so carried on or be merely incidental to,

[Additions are indicated by underline; deletions by ~~strikeout~~.]

in connection with, or a branch or a department of some other business; provided, that the following persons shall not be considered secondhand dealers, other than owners or operators who deal in precious items, as defined in A.R.S. § 44-1601:

(a) Dealers who accept, sell or dispose of used motor vehicle tires or parts, farm implement parts, farm machinery parts, road equipment parts or mining equipment parts which are taken in part payment for new or reconditioned motor vehicle tires or parts, farm implement parts, farm machinery parts, road equipment parts or mining equipment parts;

(b) Antique dealers;

(c) Dealers in goods, merchandise or property the transfer of title to which is required by state law to be evidenced by written instrument and to be recorded in an office of the state or county government;

(d) Persons licensed for occasional sales under article IV of this chapter; or

(e) Participants at a park-and-swap operation or an open-air market, if the operator of the park-and-swap operation or open-air market is licensed pursuant to article V of this chapter.

...

SECTION 2. That Glendale City Code, Chapter 21, Article I, Division 3, Sec. 21-41 is hereby amended to read as follows:

**Sec. 21-41. Auctioneers, consignment dealers, junk dealers, pawnshop operators and secondhand dealers; general operating requirements.**

...

(b) ~~Whenever the fair market value of the goods or articles, as described below, are obtained from a particular person by an auctioneer, consignment dealer, junk dealer, pawnshop operator or secondhand dealer on or a pawnshop or secondhand dealer, whether by consignment, deposit, pawn, pledge, trade or purchase is greater than one hundred dollars (\$100.00), such licensee shall be required to deliver to the chief of police, or his designee, within twenty-four (24) hours~~ two (2) business days after receipt, a true and complete report of all such goods or articles received by such licensee. Such report shall include the date and time when such goods or articles were received, a detailed description of such goods or articles, the amount loaned or paid for such goods or articles, the number of such goods or articles received, the number of the pawn ticket (if applicable), the printed name and address of the person supplying such goods or articles, the number and type of identification document of the supplier required under paragraph (a) of this section, a fingerprint of such supplier, the signature of such supplier, and a description of such supplier, including such person's address, sex, approximate height, age, complexion, race, and color of hair and any distinguishing marks. The report shall be on a form prescribed by the chief of police and shall be considered as filed only when the accuracy of the form has been attested to, by signature on the form, by the pawnshop operator or secondhand dealer, or its authorized agent and has been received by the chief of police, or his designee. The licensee shall

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keep a copy of each report for at least ~~six (6) months~~ two (2) years after delivering such report to the chief of police, or his designee.

(c) No goods or articles shall be sold, exchanged, altered or removed from the licensee's premises by any ~~junk dealer~~, pawnshop operator or secondhand dealer until the same shall have been in custody of such licensee for at least ~~ten (10)~~ twenty (20) days after delivery to the chief of police of the report required by subsection (b). ~~No goods or articles shall be sold, exchanged, altered or removed from licensee's premises by any auctioneer or consignment dealer until the same shall have been in custody of such licensee for at least three (3) days after delivery to the chief of police of the report required by subsection (b); provided, that if such licensee has purchased goods or articles, then such goods or articles shall not be sold, exchanged, altered or removed from such licensee's premises until the same shall have been in custody of such licensee for at least ten (10) days after delivery to the chief of police of the required report.~~

(d) Whenever the fair market value of the goods or articles sold to a particular person by an auctioneer, consignment dealer, junk dealer, pawnshop operator or secondhand dealer is greater than one hundred dollars (\$100.00), such licensee shall be required to record the name and address of such purchaser and a detailed description of the goods or articles sold to such purchaser. The licensee shall keep a record of such sales for at least six (6) months after each such sale is made.

~~(d)~~(e) Every auctioneer, consignment dealer, junk dealer, pawnshop operator or secondhand dealer shall allow his or her premises, along with his or her transaction records and stock of goods and articles, to be open at reasonable hours for reasonable inspections by representatives of the police department.

~~(e)~~(f) Every auctioneer, consignment dealer, junk dealer, pawnshop operator or secondhand dealer shall at all times display an easily readable copy of sections 21-41, 21-41.01, 21-41.02 and 21-41.03 of this Code in a conspicuous place, open to the public, on such licensee's business premises.

SECTION 3. That Glendale City Code, Chapter 21, Article I, Division 3, is hereby amended by adding a new Sec. 21-48 to read as follows:

**Sec. 21-48. Pawnshop and Secondhand dealer report fee; violations.**

(a) Each pawnshop operator and secondhand dealer shall pay to the City a fee for each report, if that report contains any of the following items:

- (1) A firearm;
- (2) Jewelry;

[Additions are indicated by underline; deletions by ~~strikeout~~.]

(3) Any item which has inscribed, attached or added a personal identifying mark or serial number, or

(4) Any item having a fair market value equal or greater than one hundred dollars (\$100.00).

(b) The amount of such fee shall be established or amended by resolution of the city council.


(c) The fee shall be due and payable in advance when the blank reports are obtained from the police department.

(d) Any pawnshop operator or secondhand dealer who willfully fails to comply with any provision of this section shall be subject to a civil sanction of not more than two thousand five hundred dollars (\$2,500.00) per violation.

(e) Violations of any provision of this section are hereby declared to be civil code infractions which may be adjudicated and enforced by the City Court under Chapter 13, Article II of this Code, as an additional enforcement alternative to other remedies and procedures provided for specifically in this Code or any city ordinance. Use of the civil code infraction alternative is not mandatory and shall be at the discretion of the chief of police undertaking enforcement action on an alleged violation of this section.

SECTION 4. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

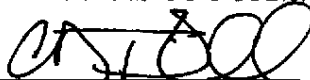
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of June, 2010.

  
MAYOR

ATTEST:

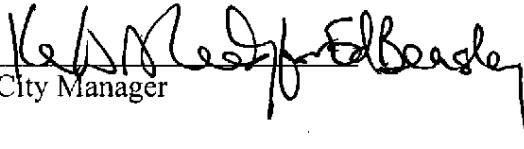
  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

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REVIEWED BY:

  
City Manager

[Additions are indicated by underline; deletions by ~~strikeout~~.]